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DIVISION OF PROFESSIONAL REGULATION

PUBLIC MEETING MINUTES:	Board of Massage and Bodywork
MEETING DATE AND TIME:	Thursday, January 19, 2012 at 1:00 p.m.
PLACE:	861 Silver Lake Boulevard, Dover, Delaware Conference Room B , second floor Cannon Building
MINUTES APPROVED:	February 16, 2012

MEMBERS PRESENT

Gordon Gelley, Public Member
Sharon Harris, Public Member, Secretary
Wayne Dawson, Professional Member
Sandra Jachimowski, Professional Member
Holly Overmyer, Professional Member, President
Rachel Dunning, Public Member

MEMBERS ABSENT

Lora Bryner, Professional Member, Vice-President (temporarily suspended from Board duties)

DIVISION STAFF/DEPUTY ATTORNEY GENERAL/COURT REPORTER

Kay Warren, Deputy Director
Eileen Heeney, Deputy Attorney General
Jennifer Witte, Administrative Specialist II
Lorena Hartnett, Court Reporter

OTHERS PRESENT

Sally Hacking
David Patterson
Khalil Abdul-Majid
Eloise Wilmore
James T. Wilmore, Sr.

CALL TO ORDER

Ms. Overmyer called the meeting to order at 1:33 p.m.

REVIEW OF MINUTES

The Board reviewed the minutes from the November 17, 2011 meeting. A motion was made by Ms. Harris, seconded by Mr. Dawson, to approve the minutes as amended. The motion unanimously carried.

UNFINISHED BUSINESS

Proposal to Deny Hearing-Khalil Abdul-Majid

The hearing went on record at 1:37 p.m.

Ms. Heeney introduced that this was a propose to deny hearing for Mr. Khalil Abdul-Majid due to violation of Del. Code 24 5313 (a) (2), and marked as Board's Exhibit 1 a packet of documents including: application for Massage Technician, transcript from National Massage Therapy Institute, criminal history report from the DE State Bureau of Identification, proposal to deny notice, email request from Mr. Abdul-Majid for a hearing, notice of today's hearing with signed green card from USPS, and letter to the Board from Mr. Abdul-Majid.

The Board members were introduced.

Mr. Abdul-Majid was sworn in and testified that he made bad choices in his life over 20 years ago on impulse and did not think about how they would impact him later in life. In 1996 he lost his vision and that made him realize that he didn't want to waste anymore of his life and he enrolled at the National Massage Therapy Institute and they showed him that he didn't need his vision to practice the art of massage.

Mr. Abdul-Majid took questions from the Board members.

Mr. Abdul-Majid testified that when he lost his sight he wanted to change his life around. He had attempted several business avenues with no success and saw a future as a massage therapist as his last chance to a better life where he could give something back to society.

Mr. Abdul-Majid answered additional questions from the Board members.

Ms. Heeney asked if at any point Mr. Abdul-Majid was on probation for any of his charges.

Mr. Abdul-Majid stated that he believes that he was possibly ten years ago.

There we no further question from the Board.

Mr. Abdul-Majid called his father, James Thomas Wilmore, Sr., as his first witness.

Mr. Wilmore was sworn in and testified that he calls his son by his birth name, Keith Wilmore. He was the first African-American Chief of the Wilmington Fire Department and retired in 2000. Keith has changed his life around and that is a result of his involvement with his religious group and various community groups.

Mr. Wilmore took questions from the Board members.

Mr. Wilmore stated that he would not elaborate on his sons past criminal history.

There were no further questions from the Board.

Mr. Abdul-Majid called his mother, Elloise Wilmore, as his second witness.

Ms. Wilmore was sworn in and testified that her son is a good person and always has been but as most kids do, he got into some trouble. She stated that he had been incarcerated several times years ago but when he lost his sight he changed his life around.

Ms. Wilmore took questions from the Board.

With no further witness testimony, in closing Mr. Abdul-Majid stated that he hopes that he will be given an opportunity to practice massage and help others and make something positive of his life.

The hearing went off record and into deliberations.

The hearing went back on record at 3:14 p.m.

A motion was made by Ms. Jachimowski, seconded by Ms. Harris, to schedule a continuance hearing for the February 16, 2012 meeting and in the meantime Mr. Abdul-Majid will arrange for the Board office to receive letters of recommendation from the following: a school official at the National Massage Therapy Institute, member of clergy, member of the Foundation for the Blind, a medical recommendation from primary care physician or current therapist and any other sources that would further attest to his credibility and ability to practice massage in a professional manner. The motion unanimously carried.

The hearing went off record and adjourned at 3:18 p.m.

Verbatim testimony was taken by a court reporter.

Re-Review of Post-Renewal Audits

After review of additional documentation, a motion was made by Ms. Harris, seconded by Mr. Gelley, to approve the audit for Rachel Domenick, Lindsey Vagnoni and Joy Brenner for the 2010-2012 renewal period. The motion unanimously carried.

Compliance to Decision and Order

After review of the final decision and order and compliance of the penalty, a motion was made by Ms. Harris, seconded by Mr. Dawson, to lift the suspension and approve the post-renewal audit of Penny Hagerty. The motion was unanimously carried.

After review of the final decision and order and compliance of the penalty, a motion was made by Ms. Harris, seconded by Ms. Dunning, to lift the suspension and approve the post-renewal audit of Janet Harden. The motion was unanimously carried.

Review of Updated Bill

This item was tabled until the February 16, 2012 meeting.

NEW BUSINESS

Visitor from Federation of State Massage Therapy Boards – MBLEx - Sally Hacking

Ms. Sally Hacking, Director of Government Relations, of the Federation of State Massage Therapy Boards introduced herself to the Board and advised that FBMTB is headquartered out of Kansas and the State Boards are the only members. There are 39 States that use the MBLEx exam in addition to the District of Columbia, Puerto Rico and the US Virgin Islands. She spoke with the Board about the MBLEx exam and the benefits of accepting it as an exam option for Delaware licensees.

Ms. Hacking stated that the MBLEx is a standardized examination for the massage and bodywork profession and specifically designed for licensure. It focuses on entry-level competency. It is a Federation controlled exam in which the States do have input on.

Unlike some States, the Delaware Board of Massage and Bodywork's Statute allows the choice of what exam is acceptable for licensure.

Ms. Hacking answered questions from the Board regarding the examination process and content.

The Board deliberated.

A motion was made by Ms. Jachimowski, seconded by Mr. Gelley, to accept the MBLEx as an exam option for licensure in Delaware and asked that Ms. Heeney begin the steps for a rule change to reflect this. The motion unanimously carried.

Ratification of Temporary Massage Technician Certifications

A motion was made by Ms. Harris, seconded by Mr. Gordon, to approve the ratification of the Temporary Massage Technician applications of Krystyna Vannier and Vanessa Hazzard-Tillman. The motion was unanimously carried.

Ratification of Massage Technician Certifications

A motion was made by Ms. Harris, seconded by Mr. Gelley, to approve the ratification of the Massage Technician Certifications of Vanessa Megura, Amanda Heck, Beverly Monroe, Corey Megee, Patricia Douglas, Shirley Barnett, Maryoli Valera, Nina Maria Huber, Lawrence Taylor, Luis Torres-Cardona, Sandra Caqfurello, Khristy Cottingham-Whitty, Jie Zhao, Taufiq Colbert, Mary Jane Loder, and Ebba Brown. The motion was unanimously carried.

Ratification of License Massage Therapists Applications

A motion was made by Ms. Harris, seconded by Mr. Gelley, to approve the ratification of the Massage Therapist applications of Jian Xiang Xue, Patrick Christenson, Joan Goldring, Stephanie Galbraith, Nichole Tuten, Noreta Wright, JaKara Vester, Julie Landy, Amanda Pagano, Timothy Rennick, Chengke Jiang, Andrea Mitchell, Wendy Wolfe-Moore, Kathy DeMatteis and Haley Thorpe. The motion unanimously carried.

Review of Consent Agreements

After review, a motion was made by Ms. Harris, seconded by Ms. Dunning, to approve the Consent Agreement of Amy Spray as presented. The motion unanimously carried.

After review, a motion was made by Mr. Gelley, seconded by Ms. Harris, to approve the Consent Agreement of Trisha Pleasants as presented. Ms. Overmyer recused herself. The motion was carried by Mr. Dawson, Ms. Jachimowski, Ms. Dunning.

After review, a motion was made by Ms. Harris, seconded by Mr. Gelley, to approve the Consent Agreement of Hui Wu as presented. Ms. Jachimowski recused herself. The motion was carried by Ms. Dunning, Mr. Dawson, and Ms. Overmyer.

Review and Deliberation of Hearing Officer's Recommendation to the Board

After a review of the recommendation, a motion was made by Ms. Jachimowski, seconded by Mr. Gelley, to accept and approve the recommendations of the Chief Hearing Officer in regard to the rule to show cause hearing of Jian Xiang Xue. The motion was unanimously carried.

After a review of the recommendations, a motion was made by Ms. Jachimowski, seconded by Ms. Overmyer, to accept and approve the recommendations of the Chief Hearing Officer in regard to the rule to show cause hearings of Brittini Sullivan and Lora Bryner. The motion was unanimously carried.

After a review of the recommendations, a motion was made by Ms. Harris, seconded by Mr. Gelley, to accept and approve the recommendations of the Chief Hearing Officer in regard to the rule to show cause hearings of Amber Welch, Sharon Carey and Joyce Johnson. The motion was unanimously carried.

After a review of the recommendation, a motion was made by Ms. Harris, seconded by Ms. Overmyer, to accept and approve the recommendations of the Chief Hearing Officer in regard to the rule to show cause hearings of Hanako Freese and Laura Parker. The motion was unanimously carried.

After a review of the recommendation, a motion was made by Ms. Harris, seconded by Ms. Overmyer, to accept and approve the recommendations of the Chief Hearing Officer in regard to the rule to show cause hearing of Christine Hopkins and based on the exceptions filed by her attorney. The motion was unanimously carried.

After a review of the recommendation, a motion was made by Ms. Harris, seconded by Ms. Overmyer, to accept and approve the recommendations of the Chief Hearing Officer in regard to the rule to show cause hearing of Jalpurnia Fleming with the amendment that she still needs to complete 3 additional CEU's. She will only receive 6 CEU's for the home study course she submitted as an exception as per rule 7.3.3. The motion was unanimously carried.

After a review of the recommendations, a motion was made by Ms. Harris, seconded by Ms. Dunning, to accept and approve the recommendations of the Chief Hearing Officer in regard to the rule to show cause hearing of Roxanne Master. The motion was unanimously carried.

A motion was made by Ms. Harris, seconded by Ms. Overmyer, to table the review of the recommendations of the Chief Hearing Officer in regard to the rule to show cause hearing of Sharon Ingiosi until the February meeting. The motion was unanimously carried.

Review of Applications-Eileen Heeney

After a review by Ms. Henney, a motion was made by Ms. Dunning, seconded by Ms. Harris, to approve the Temporary Massage Technician application of Christina Clayton. The motion was unanimously carried.

After a review by Ms. Henney, a motion was made by Ms. Dunning, seconded by Ms. Harris, to approve the Massage Technician application of Sonya Ramil. The motion was unanimously carried.

After a review by Ms. Henney, a motion was made by Ms. Dunning, seconded by Ms. Jachimowski, to propose to deny the Massage Therapist application of Marque Hales per Del. Code 24 5308 (a) (4). The motion was unanimously carried.

After a review by Ms. Henney, a motion was made by Ms. Dunning, seconded by Ms. Jachimowski, to propose to deny the Temporary Massage Technician application of Henry Jackson, Jr. due to the criminal history. The motion was unanimously carried.

Complaint Status

20-03-10-Closed
20-09-10-Assigned to Hearing Officer
20-10-10-Closed
20-11-10-Assigned to the Board
20-12-10-Closed
20-13-10-Assigned
20-14-10-Assigned
20-15-10-Assigned
20-16-10-Assigned
20-01-11-Closed
20-02-11-Assigned
20-03-11-Forwarded to AG's Office
20-04-11-Assigned to Hearing Officer
20-05-11-Assigned to Hearing Officer
20-06-11-Closed
20-07-11-Assigned to the Board
20-08-11-Forwarded to AG's Office
20-09-11-*Dismissed
20-10-11-Forwarded to AG's Office

Applications for Review

After review, a motion was made by Ms. Harris, seconded by Ms. Dunning, to approve the Massage Therapist application of John Rossi. The motion was unanimously carried.

Continuing Education Reviews

After review, a motion was made by Ms. Jachimowski, seconded by Ms. Harris, to approve the following applications for continuing education:

Tamara J. Blossic, DC

- Full Body Presence: Skills to Energize Your Life, 12 hours, elective

AMTA – Delaware Chapter

- An In-Depth Introduction to Oncology Massage, 24 hours, core
- 2012 AMTA Massage Therapy Schools Summit, 12 hours, elective

The motion was unanimously carried.

A motion was made by Ms. Jachimowski, seconded by Ms. Harris, to deny the continuing education course from Wilmington University School of Nursing for Chronic and Palliative Care for Nurses for not being directly related to the practice of massage. The motion was unanimously carried.

CORRESPONDENCE

There was no correspondence.

OTHER BUSINESS

There was no other business.

PUBLIC COMMENT

There was no public comment.

NEXT SCHEDULED MEETING

The next meeting is scheduled for February 16, 2012 at 1:30 p.m.

ADJOURNMENT

There being no further business, a motion was made by Ms. Harris, seconded by Mr. Gelley, to adjourn the meeting. The motion was unanimously carried. The meeting was adjourned at 5:34 p.m.

Respectfully submitted,

Jennifer Witte
Administrative Specialist II